

**Montana Environmental Quality Council**  
**Thursday, March 22, 2018 2:00 pm**  
**Montana Public Lands Access Network (MT-PLAN)**

March 22, 2018

Exhibit 19

### **Program History & Overview**

Montana House Bill 597, introduced by Representative Alan Doane (R) HD 36, passed in the 65th Legislature and was signed in law by Governor Steve Bullock. The law creates the Montana Public Land Access Network (MT-PLAN) which consists of a voluntary contribution account and grant program administered by the Montana Department of Natural Resources and Conservation (DNRC) to acquire public access easements to provide public access to public land for recreational purposes.

The MT-PLAN is funded by private donations through the DNRC and Montana Department of Fish, Wildlife & Parks (FWP). Donations of \$1 or more can be made through State of Montana department websites, an authorized wildlife conservation and combination license vendor, or through direct donations to the DNRC.

The DNRC will accept grant proposals from project applicants and work with landowners to negotiate the terms of the access easement or enhancement project and payment to the landowner. Easements and enhancement projects may be for a term no less than three (3) years and up to permanent access in perpetuity. The DNRC will hold and enforce public access easements granted under the MT-PLAN.



**MT-PLAN**  
PUBLIC LANDS ACCESS NETWORK

### **Land & Landowner Eligibility**

- An individual or organization may apply to the DNRC for a grant to pay for costs associated with an access project that secures public access through private land to public land as defined in Section 15-30-2380, MCA for which there is no other legal public access, or to enhance existing access to public land. The costs of the grant must include payment to the owner of private land who allows public access across their land.
- Grants may not be made to pay costs associated with litigation related to public access.
- Public access easements or enhancement projects are eligible for MT-PLAN if the public lands they access are open to general recreational uses compatible with the land the project accesses.
- If the public access easement or enhancement project would provide access to state trust land, as defined in MCA 77-1-101, the easement must provide access for all lawful purposes to the state trust land.
- Public access easements or enhancement projects may not provide access to a previously inaccessible parcel of land if that parcel is leased state land under Title 77, chapter 1 of Montana Code Annotated, and the lessee is not the landowner granting access to the parcel.
- Public access easements or enhancement projects may have a term that ranges from no less than three (3) years up to permanent access in perpetuity. A termed easement that is awarded a grant creates no expectation of public access after the term expires.
- The DNRC shall make recommendations to the State Board of Land Commissioners (Board) regarding grant applications received prior to award. A grant must be approved by the Board before it is awarded and disbursed.
- A public access easement that is awarded a grant must be held and enforced by the DNRC for the duration of the term.



## **Program Details**

### **General Information**

- MT-PLAN public access easements or enhancement projects must be made available for the entirety of the year for general recreational uses compatible with the public land they access.
- A MT-PLAN public access easement or enhancement project does not convey to the public any right to hunt or otherwise recreate on the private land through which they are allowed to pass to reach public land.
- The location of the MT-PLAN public access easement or enhancement project will be published on a map located on the DNRC website, and made available to the public for the length of the contract term.
- The MT-PLAN public access easement or enhancement project area will be signed by the DNRC with MT-PLAN signs to identify participation in the MT-PLAN program. Signs must remain in place for the entire length of the contract term.

### **Contracts**

- DNRC and successful MT-PLAN applicants will enter into cooperative agreements (contracts) that will outline the terms of the public access easement or enhancement project.
- Upon Board approval and execution of the contract, payment will be made to the landowner for the public access easement or enhancement project.
- Violation of the contract terms may result in DNRC enforcing the contract with the full force of the law.

### **Payment**

- The costs of the grant must include payment to the owner of private land that provides a public access easement across private land to public land.
- A landowner participating in the MT-PLAN program will be paid according to the terms negotiated in the contract for the public access easement or enhancement project with the DNRC.
- Payments received by landowners for easements providing public access to public land across private land are exempt from taxation, according to Section 15-30-2110, MCA and subject to provisions in the Internal Revenue Code.

## **Donations & Funding**

- Donations are collected in a state special revenue account, which is statutorily appropriated.
- Donations to the MT-PLAN may be tax deductible.
- The grant program is funded entirely by private donations on the DNRC website, the DFWP automated licensing system, or by writing a check payable to the Montana Department of Natural Resources and Conservation. If paying by check, please include "MT-PLAN" in the memo section. Checks should be mailed to Montana DNRC, PO Box 201601, Helena, MT 59620-1601.
- Funding amount and availability will vary depending upon voluntary contributions to the MT-PLAN account.

## **How to Apply**

For more information and to apply, please visit <http://dnrc.mt.gov/divisions/trust/mt-plan> or contact Ryan Weiss at (406)444-5576 or [ryanweiss@mt.gov](mailto:ryanweiss@mt.gov).